

Special Division Orders

Screened By: NARA (RD-F) Date: 08-08-2018 DOCID: 70105226

United States Court of Appeals
For the District of Columbia Circuit

FILED JUL 0 1 1994

RON GARVIN
CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
INDEPENDENT COUNSEL DIVISION

APPLICATION TO THE COURT PURSUANT)
TO 28 U.S.C. § 592(c)(1) FOR THE)
APPOINTMENT OF AN INDEPENDENT COUNSEL)
IN RE MADISON GUARANTY SAVINGS &)
LOAN ASSOCIATION)

No. PN 94-1

RECEIVED

JUL 0 1 1994

CLERK OF THE UNITED
STATES COURT OF APPEALS

In accordance with the Independent Counsel Reauthorization Act of 1994 (the "Act"), I hereby apply to the Special Division of the Court for the appointment of an Independent Counsel to investigate whether any violations of federal criminal law were committed by James B. McDougal or any other individual or entity relating to Madison Guaranty Savings & Loan Association, Whitewater Development Corporation, or Capital Management Services, Inc.

Background. In October 1993, the Resolution Trust Corporation (RTC) referred a number of allegations to the Office of the United States Attorney for the Eastern District of Arkansas arising out of an inquiry into the administration of Madison Guaranty Savings & Loan Association, a defunct Arkansas savings and loan association that was owned by James B. McDougal, who had been a partner with William and Hillary Clinton in Whitewater Development Corporation.

During the same time period, the Office of the United States Attorney for the Eastern District of Arkansas was prosecuting David Hale, an Arkansas municipal court judge who had ties both to the Clintons and to McDougal, for fraud against the Small Business Administration relating to the operation of Hale's investment company, Capital Management Services, Inc. While plea

negotiations were underway, Hale made a number of allegations against former associates, including McDougal and the Clintons, concerning the misuse of funds of Capital Management Services.

In November 1993, the Fraud Section of the Criminal Division of the Department of Justice took over the prosecution of Hale and the inquiry into the RTC allegations of misapplication of funds from Madison Guaranty, several of which it determined to be sufficiently specific and credible to provide grounds for preliminary investigation.

On January 20, 1994, I appointed Robert B. Fiske, Jr., as regulatory independent counsel to take over all investigations relating to Madison Guaranty Savings & Loan Association. Mr. Fiske received the following authority:

(a) The Independent Counsel: In re Madison Guaranty Savings & Loan Association shall have jurisdiction and authority to investigate to the maximum extent authorized by part 600 of this chapter whether any individuals or entities have committed a violation of federal criminal or civil law relating in any way to President William Jefferson Clinton's or Mrs. Hillary Rodham Clinton's relationships with (1) Madison Guaranty Savings & Loan Association, (2) Whitewater Development Corporation, or (3) Capital Management Services.

(b) The Independent Counsel: In re Madison Guaranty Savings & Loan Association shall have jurisdiction and authority to investigate other allegations or evidence of violation of any federal criminal or civil law by any person or entity developed during the Independent Counsel's investigation referred to above, and connected with or arising out of that investigation.

(c) The Independent Counsel: In re Madison Guaranty Savings & Loan Association shall have jurisdiction and authority to investigate any violation of section 1826 of title 28 of the U.S. Code, or any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal law, in connection with any investigation of the matters described in part (a) or (b) of this section.

(d) The Independent Counsel: In re Madison Guaranty Savings & Loan Association shall have jurisdiction and authority to seek indictments and to prosecute, or bring civil actions against, any persons or entities involved in any of the matters referred to in part (a), (b), or (c) who are reasonably believed to have committed a violation of any federal criminal or civil law arising out of such matters, including persons or entities who have engaged in an unlawful conspiracy or who have aided or abetted any federal offense.

28 C.F.R. § 603.1.

Independent Counsel Fiske has not reported to the Department of Justice concerning his investigative results or the direction of his investigation. However, he has reviewed this Application and has affirmed that with respect to the matters referred to him, there exists reasonable grounds to believe that further investigation is warranted pursuant to 28 U.S.C. § 592(c)(1)(A).

Basis for Appointment of Statutory Independent Counsel.

On June 30, 1994, the Independent Counsel Act was reauthorized. I have concluded that the circumstances of this matter call for the appointment of an independent counsel pursuant to 28 U.S.C. § 592(c)(1)(A), because investigation by the Department of Justice of the allegations of violations of criminal law by McDougal and other individuals associated with President and Mrs. Clinton in connection with Madison Guaranty Savings & Loan, Whitewater Development Corporation, and Capital Management Services, Inc., would present a political conflict of

¹ A copy of a public report dated June 30, 1994, concerning the results of his investigation into the death of Vincent W. Foster, Jr. was provided by Mr. Fiske after its public release on June 30, 1994.

interest. See Independent Reauthorization Act of 1994, § 4(a) (amending 28 U.S.C. § 591(c)). Accordingly, I hereby request that the Court appoint a statutory independent counsel as soon as possible, and that the Court appoint Robert B. Fiske, Jr. so that he may continue his ongoing investigation without disruption and with the full independence provided by the Act.²


Recommended Jurisdiction. Pursuant to 28 U.S.C. § 593(b)(3), I recommend and request that the Special Division of the Court grant the statutory independent counsel the same prosecutorial jurisdiction as that granted to regulatory Independent Counsel Fiske, so that the investigation may continue without interruption. In this connection, I have appended hereto a proposed statement of the scope of prosecutorial jurisdiction for the statutory independent counsel.³

² The reauthorizing legislation allows the Court to appoint Mr. Fiske as statutory independent counsel. Independent Counsel Reauthorization Act of 1994, § 7(h). I appointed Mr. Fiske on the basis of his record of independence and his outstanding qualifications, and he has been investigating this matter as an independent prosecutor for five months. His staff, selected by him, is established and is fully engaged in the investigation. Appointment of a different independent counsel would seriously disrupt the investigation.

³ The intent of the proposed statement of independent counsel's prosecutorial jurisdiction is to give him exactly the same jurisdiction as that given to regulatory Independent Counsel Fiske, except that as regulatory Independent Counsel, Mr. Fiske was also given civil jurisdiction. To ensure that the full scope of Mr. Fiske's independent civil investigation continues uninterrupted and without limitation, it is my intention to continue Mr. Fiske's regulatory appointment for this purpose, or, to name whomever the Court may select as statutory independent counsel as an independent special attorney to handle all civil aspects of the investigation. (SAB 312) DocId:76105326 Page 5

Request for Authorization for Public Disclosure. I request that the Court authorize the disclosure of this Application to the public pursuant to 28 U.S.C. § 592(e). The allegations underlying this Application, and Mr. Fiske's mandate as regulatory Independent Counsel, are known to the public. I believe that the public interest will be served by the disclosure of the Application. I have submitted a separate motion and proposed order to this effect.

Respectfully submitted,



Janet Reno
Attorney General of the United States

DATED: June 30, 1994

FILED AUG 05 1994

RON GARVIN
CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty
Savings & Loan Association

Division No. 94-1

Order Appointing
Independent Counsel

Before: SENTELLE, Presiding, and BUTZNER and SNEED, Senior Circuit
Judges.

Upon consideration of the application of the Attorney General pursuant to 28 U.S.C. § 592(c)(1)(A) for the appointment of an independent counsel with authority to exercise all the power, authority and obligations set forth in 28 U.S.C. § 594, to investigate whether any individuals or entities have committed a violation of federal criminal law, other than a Class B or C misdemeanor or infraction, relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, or Capital Management Services, Inc.; it is

ORDERED by the Court in accordance with the authority vested in it by 28 U.S.C. § 593(b) that Kenneth W. Starr, Esquire, of the District of Columbia bar, with offices at Kirkland and Ellis, 655-15th Street, NW, Washington, DC, 20005,

be and he is hereby appointed Independent Counsel with full power, independent authority, and jurisdiction to investigate to the

maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether any individuals or entities have committed a violation of any federal criminal law, other than a Class B or C misdemeanor or infraction, relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Association, Whitewater Development Corporation, or Capital Management Services, Inc.

The Independent Counsel shall have jurisdiction and authority to investigate other allegations or evidence of violation of any federal criminal law, other than a Class B or C misdemeanor or infraction, by any person or entity developed during the Independent Counsel's investigation referred to above and connected with or arising out of that investigation.

The Independent Counsel shall have jurisdiction and authority to investigate any violation of 28 U.S.C. § 1826, or any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, in connection with any investigation of the matters described above.

The Independent Counsel shall have jurisdiction and authority to seek indictments and to prosecute any persons or entities involved in any of the matters described above, who are reasonably believed to have committed a violation of any federal criminal law arising out of such matters, including persons or entities who have engaged in an unlawful conspiracy or who have aided or abetted any

federal offense.

The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994. It is

FURTHER ORDERED by the Court that the Independent Counsel, as authorized by 28 U.S.C. § 594, shall have prosecutorial jurisdiction to fully investigate and prosecute the subject matter with respect to which the Attorney General requested the appointment of independent counsel, as hereinbefore set forth, and all matters and individuals whose acts may be related to that subject matter, inclusive of authority to investigate and prosecute federal crimes (other than those classified as Class B or C misdemeanors or infractions) that may arise out of the above described matter, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses. The Court, having reviewed the motion of the Attorney General that Robert B. Fiske, Jr., be appointed as Independent Counsel, has determined that this would not be consistent with the purposes of the Act. This reflects no conclusion on the part of the Court that Fiske lacks either the actual independence or any other attribute necessary to the conclusion of the investigation. Rather, the Court reaches this conclusion because the Act contemplates an apparent as well as an actual independence on the part of the Counsel. As the Senate Report accompanying the 1982 enactments reflected, "[t]he intent of the special prosecutor provisions is not to impugn the integrity of the Attorney General or the

Department of Justice. Throughout our system of justice, safeguards exist against actual or perceived conflicts of interest without reflecting adversely on the parties who are subject to conflicts." S. Rep. No. 496, 97th Cong., 2d Sess. at 6 (1982) (emphasis added). Just so here. It is not our intent to impugn the integrity of the Attorney General's appointee, but rather to reflect the intent of the Act that the actor be protected against perceptions of conflict. As Fiske was appointed by the incumbent administration, the Court therefore deems it in the best interest of the appearance of independence contemplated by the Act that a person not affiliated with the incumbent administration be appointed.

It further appearing to the Court in light of the Attorney General's motion heretofore made for the authorization of the disclosure of her application for this appointment pursuant to 28 U.S.C. § 592(e) and of the ongoing public proceedings and interest in this matter, that it is in the best interests of justice for the identity and prosecutorial jurisdiction of the Independent Counsel to be disclosed,

IT IS SO ORDERED.

Per Curiam
For the Court:

A handwritten signature in dark ink, appearing to read "Ron Garvin", written over the printed name.

Ron Garvin, Clerk



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, AUGUST 5, 1994

AG
(202) 514-2007
TDD (202) 514-1888

ATTORNEY GENERAL JANET RENO'S STATEMENT

Earlier, I urged speedy reenactment of the Independent Counsel law so that no possible question could be raised about who appointed him. When that became impossible, I appointed Mr. Fiske under Justice Department regulations.

Once the law was reenacted, I suggested that Mr. Fiske be retained in order to ensure that there would be no delays or loss of continuity in the investigation.

Now the Special Division has appointed Kenneth Starr. We will provide full cooperation to him, just as we did to Mr. Fiske, who gave selfless and distinguished service to the task.

STATEMENT OF ROBERT B. FISKE, JR.

It has been a privilege to have had an opportunity to serve the Attorney General as Independent Counsel.

I wish Ken Starr the very best and will do everything I can to help him with a speedy and orderly transition.

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94-449

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED SEP 01 1994

Division for the Purpose of
Appointing Independent Counsels

RON GARVIN
CLERK

Ethics in Government Act of 1978, as Amended

In re: Madison Guaranty Savings
& Loan Association
(Webster L. Hubbell)

Division No. 94-1

Before: Sentelle, Presiding, Butzner and Sneed,
Senior Circuit Judges

UNDER SEAL

ORDER

Upon consideration of the request of the Independent Counsel, dated August 31, 1994, that certain matters, i.e., whether Webster L. Hubbell, a covered person under 28 U.S.C. § 591(b), violated any federal criminal law (including mail fraud and criminal tax violations) in his billing or expense practices while a member of the Rose Law Firm, be referred to the Office of the Independent Counsel pursuant to 28 U.S.C. § 594(e), it is

ORDERED that the request be granted. Pursuant to 28 U.S.C. § 594(e), the following matter is hereby referred to the Office of the Independent Counsel:

Whether Webster L. Hubbell, a covered person under 28 U.S.C. § 591(b), violated any federal criminal law (including mail fraud and criminal tax violations) in his billing or expense practices while a member of the Rose Law Firm.

It is

FURTHER ORDERED that prosecutorial jurisdiction conferred by the Order of August 5, 1994, in the above entitled cause is expressly expanded by the Court to include investigation as to:

whether Webster L. Hubbell, a covered person under 28 U.S.C. § 591(b), violated any federal criminal law (including mail fraud and criminal tax violations) in his billing or expense

practices while a member of the Rose Law Firm, and to prosecute all matters arising from that investigation to the same extent as all other criminal matters arising under the jurisdiction set forth in the original order.

Per Curiam

For the Court:

Ron Garvin
Ron Garvin, Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED MAR 22 1996

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association
(In re: William David Watkins)

Division No. 94-1

O R D E R

Before: SENTELLE, *Presiding*, BUTZNER and FAY,
Senior Circuit Judges.

Upon consideration of the notification to the court pursuant to 28 U.S.C. § 592(a)(1) of the initiation of a preliminary investigation and application to the court pursuant to 28 U.S.C. § 593(c)(1) for expansion of the jurisdiction of an independent counsel, it is

ORDERED that, pursuant to 28 U.S.C. § 593(c)(1), the investigative and prosecutorial jurisdiction of Independent Counsel Kenneth W. Starr be expanded to investigate whether any violations of federal criminal law were committed by William David Watkins, former Assistant to the President for Management and Administration, in connection with his December 1993 interview with the General Accounting Office concerning the firing of the White House Travel Office employees and to determine whether prosecution is warranted. The Independent Counsel shall continue to enjoy the full jurisdiction conferred upon him as a result of any previous order of the Special Division of the Court. Pursuant to 28 U.S.C. § 593(c)(1), the Independent Counsel's jurisdiction shall be expanded to include the following:

The Independent Counsel shall have jurisdiction and authority to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether William David Watkins committed a violation of 18 U.S.C. § 1001 or any other federal criminal law, other than a Class B or C misdemeanor or infraction, in the course of his December 1993 interview by the General Accounting Office concerning the May 1993 firing of the White House

Travel Office personnel.

The Independent Counsel shall have jurisdiction and authority to investigate related allegations or evidence of violation of any federal criminal law, other than a Class B or C misdemeanor or infraction, by any person or entity, as necessary to resolve the matter described above.

The Independent Counsel shall have jurisdiction and authority to investigate any violation of 28 U.S.C. § 1826, or any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, arising out of his investigation of the matters described above.

The Independent Counsel shall have jurisdiction and authority to seek indictments and to prosecute any persons or entities involved in any of the matters described above, who are reasonably believed to have committed a violation of any federal criminal law arising out of such matters, including persons or entities who have engaged in an unlawful conspiracy or who have aided or abetted any federal offense.

The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994. It is

FURTHER ORDERED that, in light of the Attorney General's motion heretofore made for the authorization of the disclosure of her application for this expansion pursuant to 28 U.S.C. § 592(e) and the ongoing public interest in this matter, this order be publicly disclosed.

Per Curiam

For the Court:

Mark J. Langer, Clerk

by 

Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

Division for the Purpose of
Appointing Independent Counsels

FILED JUN 21 1996

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association
(In re: Anthony Marceca)

Division No. 94-1

O R D E R

Before: SENTELLE, *Presiding*, BUTZNER and FAY,
Senior Circuit Judges.

Upon consideration of the notification to the court pursuant to 28 U.S.C. § 592(a)(1) of the initiation of a preliminary investigation and application to the court pursuant to 28 U.S.C. § 593(c)(1) for expansion of the jurisdiction of an independent counsel, it is

ORDERED that, pursuant to 28 U.S.C. § 593(c)(1), the investigative and prosecutorial jurisdiction of Independent Counsel Kenneth W. Starr be expanded to investigate whether any violations of federal criminal law other than a Class B or C misdemeanor or infraction, were committed by Anthony Marceca, an investigator with the United States Army Criminal Investigative Division detailed to the White House Office of Personnel Security from August 1993 through February 1994. Pursuant to 28 U.S.C. § 593(c)(1), the Independent Counsel's jurisdiction shall be expanded to include the following:

The Independent Counsel shall continue to enjoy the full jurisdiction conferred upon him as a result of any previous order of the Special Division of the Court. Pursuant to 28 U.S.C. § 593(c)(1), the Independent Counsel's jurisdiction shall be expanded to include the following:

The Independent Counsel shall have jurisdiction and authority to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether Anthony Marceca committed a violation of 18 U.S.C. § 1001 or any other federal

criminal law, other than a Class B or C misdemeanor or infraction, relating to requests made by the White House between December 1993 and February 1994 to the Federal Bureau of Investigation for background investigation reports and materials.

The Independent Counsel shall have jurisdiction and authority to investigate related allegations or evidence of violation of any federal criminal law, other than a Class B or C misdemeanor or infraction, by any person or entity, including any person or entity who has engaged in unlawful conspiracy or who has aided or abetted any federal offense, as necessary to resolve the matter described above.

The Independent Counsel shall have jurisdiction and authority to investigate crimes, such as any violation of 28 U.S.C. § 1826, any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, arising out of his investigation of the matter described above.

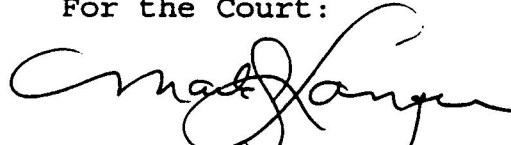
Should it be deemed appropriate, the Independent Counsel shall have jurisdiction and authority to seek indictments and to prosecute the matters described above.

The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994.

FURTHER ORDERED that, in light of the Attorney General's motion heretofore made for the authorization of the disclosure of her application for this expansion pursuant to 28 U.S.C. § 592(e) and the ongoing public interest in this matter, this order and the notification upon which it issues be publicly disclosed.

Per Curiam

For the Court:



Mark J. Langer, Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED OCT 25 1996

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association
(In re: Bernard Nussbaum)

Division No. 94-1

O R D E R

Before: SENTELLE, Presiding Judge, BUTZNER and FAY,
Senior Circuit Judges.

Upon consideration of the notification to the court pursuant to 28 U.S.C. § 592(a)(1) of the initiation of a preliminary investigation and application to the court pursuant to 28 U.S.C. § 593(c)(1) for expansion of the jurisdiction of an independent counsel, it is

ORDERED that, pursuant to 28 U.S.C. § 593(c)(1), the investigative and prosecutorial jurisdiction of Independent Counsel Kenneth W. Starr be expanded to include the following:

The Independent Counsel shall have jurisdiction and authority to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether Bernard Nussbaum committed a violation of 18 U.S.C. § 1621 or any other federal criminal law, other than a Class B or C misdemeanor or infraction, relating to statements he made on June 26, 1996, before the United States House of Representatives Committee on Government Reform and Oversight.

The Independent Counsel shall have jurisdiction and authority to investigate related allegations or evidence of violation of any federal criminal law, other than a Class B or C misdemeanor or infraction, by any person or entity, including any person or entity who has engaged in unlawful conspiracy or who has aided or abetted any federal offense, as necessary to resolve the matter described above.

The Independent Counsel shall have jurisdiction and authority to investigate crimes, such as any violation of 28 U.S.C. § 1826, any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, arising out of his investigation of the matter described above.

Should it be deemed appropriate, the Independent Counsel shall have jurisdiction and authority to seek indictments and to prosecute the matter described above.

The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994. It is

FURTHER ORDERED that the Attorney General's request for authorization to disclose publicly this notification and application be granted. It is

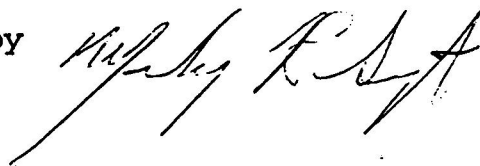
FURTHER ORDERED that, in light of the Attorney General's request for the authorization of the disclosure of her application for this expansion pursuant to 28 U.S.C. § 592(e) and the ongoing public interest in this matter, this order be publicly disclosed.

Per Curiam

For the Court:

Mark J. Langer, Clerk

by



Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED JAN 06 1998

Division for the Purpose of
Appointing Independent Counsels

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

Before: SENTELLE, *Presiding Judge*, BUTZNER and FAY, *Senior Circuit Judges*.

ORDER

Upon consideration of the Application for Order of Referral to Independent Counsel, filed with the Court on December 31, 1997, it is hereby

ORDERED that the Application be granted. Pursuant to 28 U.S.C. § 594(e), the following matters are referred to the Office of Independent Counsel for investigation and, if warranted, prosecution:

- (i) whether Webster L. Hubbell or any individual or entity violated any criminal law, including but not limited to criminal tax violations and mail and wire fraud, regarding Mr. Hubbell's income since January 1, 1994, and his tax and other debts to the United States, the State of Arkansas, the District of Columbia, the Rose Law Firm, and others; and
- (ii) whether Webster L. Hubbell or any individual or entity violated any criminal law, including but not limited to obstruction of justice, perjury, false statements, and mail and wire fraud, related to payments that Mr. Hubbell has received from various individuals and entities since January 1, 1994.

The Independent Counsel shall have jurisdiction and authority to investigate and to prosecute the matters described above to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994. The Independent Counsel shall have jurisdiction to investigate

allegations or evidence of violation of any federal criminal law, including related allegations or evidence, other than a Class B or C misdemeanor or infraction, by any person or entity, as necessary to resolve the matter described above, and to prosecute such violations if warranted.

The Independent Counsel shall have jurisdiction and authority to investigate any violation of 28 U.S.C. § 1826, or any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, arising out of the matters described above.

The Independent Counsel shall have jurisdiction and authority to seek indictments and to prosecute any persons or entities involved in any of the matters described above, who are reasonably believed to have committed a violation of any federal criminal law arising out of such matters, including persons or entities who have engaged in an unlawful conspiracy or who have aided or abetted any federal offense.

The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994. The Independent Counsel shall continue to enjoy the full jurisdiction conferred upon him as a result of previous orders of this Court.

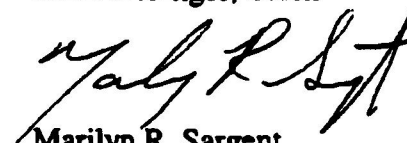
The Independent Counsel may disclose this document and its contents only to the extent necessary to advance the investigation and prosecution.

Per Curiam

For the Court:

Mark J. Langer, Clerk

by


Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS ~~United States Court of Appeals~~
FOR THE DISTRICT OF COLUMBIA CIRCUIT ~~For the District of Columbia Circuit~~

Division for the Purpose of
Appointing Independent Counsels

FILED MAY 06 1998

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

Before: SENTELLE, *Presiding Judge*, and BUTZNER and FAY, *Senior Circuit Judges*.

ORDER

Upon consideration of Independent Counsel Kenneth W. Starr's application to authorize disclosure of order of referral, and in light of the indictment obtained pursuant to the order filed under seal in the above captioned matter on January 6, 1998, and the requirement of 28 U.S.C. § 593(b)(4) that the identity and prosecutorial jurisdiction of the independent counsel be made public when any indictment is returned pursuant to the independent counsel's investigation, it is

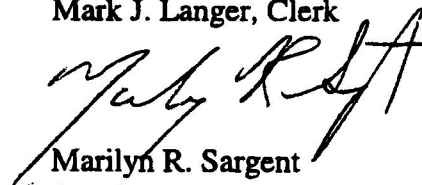
ORDERED that Independent Counsel Kenneth W. Starr is authorized to make public his prosecutorial jurisdiction set forth in the order filed under seal on January 6, 1998. It is

FURTHER ORDERED that the Clerk unseal the January 6, 1998, order.

Per Curiam

For the Court:
Mark J. Langer, Clerk

by


Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED JAN 29 1998

Division for the Purpose of
Appointing Independent Counsels

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

Before: SENTELLE, *Presiding Judge*, BUTZNER and FAY, *Senior Circuit Judges*.

ORDER

Upon consideration of the "Application to Authorize Disclosure of Jurisdictional Expansion Order," filed by Independent Counsel Kenneth W. Starr on January 28, 1998, the Court finds that disclosure of the Court's order of January 16, 1998, expanding the jurisdiction of the Independent Counsel would be in the best interests of justice. Accordingly, it is

ORDERED that the application be granted. The Court's order expanding the prosecutorial jurisdiction of the Independent Counsel in this matter, filed under seal on January 16, 1998, is hereby unsealed. It is

FURTHER ORDERED that the "Notification to the Court of the Initiation of a Preliminary Investigation and Application to the Court for the Expansion of the Jurisdiction of an Independent Counsel" and the "Notification of Recusal Determination," filed under seal by the Attorney General on January 16, 1998, are also hereby unsealed.

Per Curiam

For the Court:

Mark J. Langer, Clerk

by


Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

Division for the Purpose of
Appointing Independent Counsels

FILED JAN 16 1998

Special Division

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

Before: Sentelle, Presiding, Butzner and Fay, Senior Circuit
Judges

ORDER

Upon consideration of an oral application for the expansion of jurisdiction of an Independent Counsel provided to this Court on behalf of the Attorney General on January 16, 1998, it is hereby

ORDERED that the investigative and prosecutorial jurisdiction over the following matters be referred to Independent Counsel Kenneth W. Starr and to the Office of the Independent Counsel as an expansion of prosecutorial jurisdiction in lieu of the appointment of another Independent Counsel pursuant to 593(c)(1):

(1) The Independent Counsel shall continue to enjoy the full jurisdiction initially conferred upon him as a result of the August 5, 1994, order of the Special Division of the Court and all subsequent orders concerning jurisdiction. Pursuant to 28 U.S.C. § 593(c)(1), the Independent Counsel's jurisdiction shall be expanded to include the following:

(2) The Independent Counsel shall have jurisdiction and authority to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether Monica Lewinsky or others suborned perjury, obstructed justice, intimidated witnesses, or otherwise violated federal law other than a Class B or C misdemeanor or infraction in dealing with witnesses, potential witnesses,

attorneys, or others concerning the civil case Jones v. Clinton.

(3) The Independent Counsel shall have jurisdiction and authority to investigate related violations of federal criminal law, other than a Class B or C misdemeanor or infraction, including any person or entity who has engaged in unlawful conspiracy or who has aided or abetted any federal offense, as necessary to resolve the matter described above.

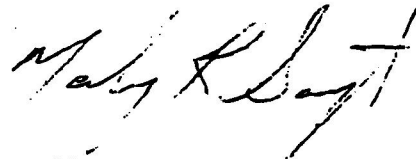
(4) The Independent Counsel shall have jurisdiction and authority to investigate crimes, such as any violation of 28 U.S.C. § 1826, any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, arising out of his investigation of the matter described above.

(5) The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994.

It is further ORDERED that this document and its contents be and remain UNDER SEAL absent further Order of this Court.

This the 16th day of January, 1998.

Per Curiam
For the Court:

A handwritten signature in dark ink, appearing to read "Marilyn Sargent", written in a cursive style.

Marilyn Sargent
Chief Deputy Clerk

FILED JAN 16 1998

Special Division

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
INDEPENDENT COUNSEL DIVISION

In re Monica Lewinsky

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)
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No.

NOTIFICATION TO THE COURT OF THE INITIATION OF
A PRELIMINARY INVESTIGATION AND APPLICATION TO THE COURT
FOR THE EXPANSION OF THE JURISDICTION OF AN INDEPENDENT COUNSEL

In accordance with the Independent Counsel Reauthorization Act of 1994, I hereby notify in writing the Special Division of the Court that I have commenced a preliminary investigation, 28 U.S.C. § 592(a)(1), into whether violations of federal criminal law were committed by Monica Lewinsky or any other individual, as described below. As a result of my inquiry into this matter, I request expansion of the jurisdiction of Independent Counsel Kenneth Starr to further investigate and determine whether prosecution is warranted. 28 U.S.C. § 593(c)(1). The Court has already been informed of this matter and my request orally.

The Department of Justice has received information from Independent Counsel Kenneth Starr that Monica Lewinsky, a former White House employee and witness in the civil case Jones v. Clinton, may have submitted a false affidavit and suborned perjury from another witness in the case. In a taped

conversation with a cooperating witness, Ms. Lewinsky states that she intends to lie when deposed. In the same conversation, she urges the cooperating witness to lie in her own upcoming deposition.

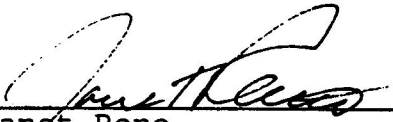
I have determined that it would be a conflict of interest for the Department of Justice to investigate Ms. Lewinsky for perjury and suborning perjury as a witness in this civil suit involving the President, in light of the allegations involved in the lawsuit. 28 U.S.C. § 591(c)(1).

I have also determined that the taped conversation establishes that further investigation of this matter is warranted. 28 U.S.C. § 592(c)(1).

It would be appropriate for Independent Counsel Starr to handle this matter because he is currently investigating similar allegations involving possible efforts to influence witnesses in his own investigation. Some potential subjects and witnesses in this matter overlap with those in his ongoing investigation. Independent Counsel Starr has requested that this matter be referred to him.

Attached is a recommended draft Order expanding Independent Counsel Starr's jurisdiction to include this matter.

Respectfully submitted,



Janet Reno
Attorney General of the United States

Date January 16, 1998

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
INDEPENDENT COUNSEL DIVISION

FILED JAN 16 1998

Special Division

In re Monica Lewinsky

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)
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No.

NOTIFICATION OF RECUSAL DETERMINATION

Section 591(e)(2) of the Independent Counsel Reauthorization Act of 1994 (the Act) requires that the Attorney General determine whether she must recuse herself because information received involves "a person with whom the Attorney General has a current or recent personal or financial relationship," and that the determination be filed with this Court. Accordingly, I hereby notify the Special Division of the Court that I have no current or recent personal or financial relationship with Monica Lewinsky such as would require my recusal from discharging my responsibilities under the Act.

Respectfully submitted,



Janet Reno
Attorney General of the United States

DATED:

January 16, 1998